

Notice of Allowability

Application No.

10/821,717

Examiner

Dennis L. Vautrot

Applicant(s)

SCHWARTZ ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/2/2007.
2. ☒ The allowed claim(s) is/are 1-3,6-12,15-21 and 24-38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070417.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Response to Amendment

1. The applicants' amendment, filed 2 February 2007, has been received, entered into the record and considered.
2. As a result of the amendment, claims 1, 9, 10, 18, 19, 27, 28, and 31 are amended, claims 4, 5, 13, 14, 22 and 23 have been cancelled, and claims 36 – 38 have been added. Claims 1 – 3, 6 – 12, 15 – 21, and 24 – 38 are pending in the application.

Examiner's Amendments

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
4. Authorization for this Examiner's amendment, listed below, was given by telephone by Ms. Janet M. Skafar (Registration Number 41,315) on 17 April 2007. The interview summary is attached.
5. Please amend the claims as follows:

19. (Currently Amended) An article of manufacture comprising a computer usable storage medium embodying instructions executable by a computer for performing a method of accessing a dataset stored on at least one disk, the method comprising:

intercepting an open request to access the dataset, the dataset being an extended format physical sequential dataset, the open request being associated with a first data structure that specifies a first access method, the first access method being a basic direct access method, the first access method not being supported for the extended format physical sequential dataset;

replacing the first data structure with a second data structure that specifies a second access method which is different from the first access method, the second access method being a sequential access method, the second access method being supported for the extended format physical sequential dataset; and

accessing the dataset stored on the at least one disk in accordance with the second access method of the second data structure.

28. (Currently Amended) An article of manufacture comprising a computer usable storage medium embodying instructions executable by a computer for performing a method of accessing a dataset stored on at least one disk, the method comprising:

intercepting an open request to access the dataset, the open request being associated with a first data control block that specifies an unsupported access method for the dataset;

in response to said intercepting, invoking an open screen module, the open screen module issuing a second open request to open the dataset using a supported access method for the dataset, the supported access method being specified in a second data control block;

intercepting the second open request;

in response to said intercepting the second open request, invoking the open screen module;

in response to the open screen module determining the second open request is to be processed using a operating system open module, processing the second open request using the operating system open module to open the dataset using the supported access method, and providing an address of a supported access module;

replacing, by said open screen module, the first data control block with a second data control block that specifies the supported access method;

storing an address of a shadow access interface module in the second data control block; and

accessing the dataset by invoking the shadow access interface module, and the shadow access interface module invoking the supported access module using the address of the supported access module, to access the dataset in accordance with the second access method.

Reasons For Allowance

6. The following is an examiner's statement of reasons for allowance:

This application involves accessing a dataset stored on at least one disk by using an unsupported access method. In the response dated 2 February 2007 to an Office action dated 5 October 2006, Applicant distinguished the cited prior art, (**Skopec et al.**, US Patent Publication No. 2004/0128299) by stating on page 13, first paragraph "...the Skopec et al publication does not teach that the access method used to access the data on the external media is not a supported access method for that dataset. Unlike the claimed invention, the replacement input routine of the Skopec et al publication is not to access the dataset on the external media such as a disk, but is used to access data in the main memory." The two key points of distinction between the prior art cited and the application are that (1) **the call to access the data set is not supported, yet the call does not return an error, and the accessing continues** as well as (2) **a supported access method is used in place of the non-supported access method in response to the non-supported open request being intercepted.** After consideration of these arguments in combination with the amendments and further searching of the prior art, the arguments provided are persuasive.

7. The combination of the following clauses, as described in the claimed subject matter of the independent claims 1, 10, and 19 are novel:

"...the first access method not being supported... replacing the first data structure with a second data structured that specifies a second access method which is different from the first access method...the second access method being supported..."

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8. The combination of the following clauses, as described in the claimed subject matter of the independent claim 28 are novel:

"...the open request being associated with a first data control block that specifies an unsupported access method for the dataset...issuing a second open request to open the dataset using a supported access method for the dataset, the supported access method being specified in a second data control block...replacing, by said open screen module, the first data control block with a second data control block that specifies the supported access method..."

9. With the addition of the language resulting from the latest amendment, the claims now appear to be novel and patentably distinct from the prior art.

A thorough search for the prior art in the EAST database and on domains (NPL-ACM, Google.com, IEEE Xplore, Google Patents) has been conducted. The prior art searched and investigated in the database and domains does not fairly teach or suggest the teaching of the claimed subject matter as described above and reflected by the combined elements in each of the independent claims 1, 21, and 27.

The dependent claims 2 – 3, 6 – 9, & 36; 11 – 12, 15 – 18 & 37; 20 – 21, 24 – 27 & 38; and 29 - 35 depending on independent claims 1, 10, 19, and 28 respectively, are also distinct from the prior art for the same reasons.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany

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the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis L. Vautrot whose telephone number is 571-272-2184. The examiner can normally be reached on Monday-Friday 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dv
23 April 2007

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JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100